

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CALVIN SCOTT, SR.)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:05-CV-000651-WKW-
)	CSC (WO)
JAMES (BUDDY) SWEARENGIN, JR., et al.,)	
)	
Defendants.)	

CALVIN SCOTT, SR.)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:05-CV-000652-WKW-
)	CSC (WO)
RAY DENNIS, et al.,)	
)	
Defendants.)	

ORDER

On February 7, 2006, the Magistrate Judge filed a Recommendation (Doc. # 20) finding that the plaintiff's Complaint (Doc. # 1) is due to be dismissed without prejudice as the plaintiff failed to exhaust his administrative remedies. On February 21, 2006, Plaintiff filed an Objection (Doc. # 21) to the Recommendation and demonstrated that he is in pursuit of arbitration with the Secretary of Education as required by the Randolph-Sheppard Vending Stand Act, 20 U.S.C. § 107 *et seq.*

Accordingly, after an independent and de novo review of the record, it is ORDERED that

1. Rulings on the Objection (Doc. # 21) and the Recommendation of the Magistrate Judge (Doc. # 20) are RESERVED.

2. The plaintiff's actions are STAYED, on the authority of *Fillinger v. Cleveland Society for*

the Blind, 587 F.2d 336 (6th Cir. 1978), pending the exhaustion of administrative and arbitration remedies.

3. The plaintiff shall report to the Court on the status of his administrative and arbitration proceedings on April 1, 2006, and on the first of every month thereafter until arbitration is complete. Failure to report may result in dismissal of these actions.

4. The Clerk is DIRECTED to mail a copy of this ORDER to the plaintiff at his address of record.

DONE this the 23rd day of March, 2006.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE